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PATENT
Attorney Docket: 86450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

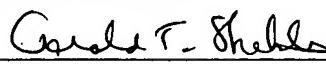
In Re U.S. Patent Application

Applicant: Wright et al.

Serial No.: 10/070,181

Filed: July 8, 2002

For: **A NUTRITIONAL SUPPLEMENT FOR
LOWERING SERUM TRIGLYCERIDE AND
CHOLESTEROL LEVELS**

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I hereby certify that this correspondence is
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on
September 23, 2003


Gerald T. Shekleton Reg. No. 27,466

INFORMATION DISCLOSURE STATEMENT

Mail Stop PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

Sir:

Pursuant to 37 C.F.R. §1.97, a list of documents is disclosed on the attached Form PTO-1449 that may be material to the examination of this application. The listed Documents are enclosed herewith.

No inferences should be drawn that the attached list represents a comprehensive investigation, or that any material disclosed is equivalent to the subject invention. In addition, none of the documents that have publication dates prior to the priority date of the above application anticipate the invention in this application.

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The present Information Disclosure statement is being filed prior to the receipt of a first Official

Serial No. 10/070,181

Action reflecting an examination on the merits and hence is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fees are believed to be due in connection with the filing of this Information Disclosure Statement. However, should any fees be deemed necessary (except payment of the issue fee), the Commissioner is authorized to charge any deficiency or to credit any over payment to Account No. 23-0920.

The cited document(s) disclose numerous specific features. There has been no attempt to list each and every feature disclosed by each document. The Examiner is requested to review the document(s) and determine the extent of the materiality of the document disclosures with respect to the present invention.

The discussion of any art and the citation of any document(s) herein is not to be construed as an admission that the art or document disclosure is necessarily within the invention field of endeavor, that the art or document disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that the art or document disclosure is otherwise necessarily prior art as defined by the patent law with respect to the instant invention and application.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosures of the art and document(s) recited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application. The recitation herein of the art and document(s) is not to be construed as an assertion that more pertinent art could not possibly be in existence.

Respectfully submitted,

WELSH & KATZ, LTD.



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Dated: September 23, 2003

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**LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION**
DISCLOSURE STATEMENT
(Use several sheets if necessary)

O.I.P.T.
SEP 29 2003
PATENT & TRADEMARK OFFICE

Atty. Pkct No. 86450

Serial No. 10/070,181

Applicant Jeffrey L.C. Wright and Jaroslav A. Kralovec

Filing Date July 8, 2002

Group 1614

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAM. INIT.	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FIL.DATE IF APPROPRIATE
AA	4	5	8	8	7	1	7	13/05/86	Mitchell			
AB	4	8	7	9	3	1	2	7/11/89	Kamarei et al.			
AC	5	7	7	0	7	4	9	23/06/98	Kutney et al.			
AD	5	0	5	9	6	2	2	22/10/91	Sears			
AE	6	1	4	7	2	3	6	14/11/00	Higgins, III			OCT 01 2000
AF	6	1	8	4	3	9	7	06/02/01	Roden et al.			
AG	6	5	4	4	9	7	3	08/04/03	Miettinen et al.			TECH CENTER 1600/2900

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION		
							YES	NO	
AH	2	1	0	2	1	1	2	04/11/92	CA
AI	0	0	0	4	8	8	7	03/02/00	WO
AJ	1	0	0	4	5	9	4	31/05/00	Europe

OTHER ART (including Author, Title, Date, Pertinent Pages, Etc.)

AK	HIGASHIDATE et al. (Journal of Chromatography (1990), 515, 295-303)
AL	MISHKEL et al. (Bailliere's Clinical Haematology, Vol. 3, No. 3, July 1990, pp 625-649)
AM	MATTSON, Fred H., et al., "Optimizing the effect of plant sterols on cholesterol absorption in man ¹⁻³ ", The American Journal of Clinical Nutrition (1982) 35:697-700
AN	GOULD, R. Gordon, et al., "Absorbability of β-Sitosterol in Humans", Metabolism, (1969) Vol. 18, No. 8, pp. 652-662.
AO	LO, Y. C., et al., "Physical and Chemical Properties of Randomly Interesterified Blends of Soybean Oil and Tallow for Use as Margarine Oils ^{1,2n} ", JAACS, (1983) Vol. 60, No. 4, pp. 815-818.
AP	SREENIVASAN, B., "Interestering of Fats" JAACS, (1978) Vol. 55, pp. 796-805.
AQ	CHOBANOV, D., et al., "Alterations in Glyceride Composition During Interestering of Mixtures of Sunflower Oil with Lard and Tallow", JAACS, (1977), Vol. 54, pp. 47-50.
AR	SAYNOR, Reginald, et al., "Changes in Blood Lipids and Fibrinogen with a Note on Safety in a Long Term Study on the Effects of n-3 Fatty Acids in Subjects Receiving Fish Oil Supplements and Followed for Seven Years", (1992) Lipids, Vol. 27, No. 7, pp. 533-538.
AS	GYLLING, Helena, et al., "Sitostanol ester margarine in dietary treatment of children with familial hypercholesterolemia" (1995) Journal of Lipid Research, Vol. 36, pp. 1807-1812.
AT	GYLLING, H., et al., "Serum cholesterol and cholesterol and lipoprotein metabolism in hypercholesterolaemic NIDDM patients before and during sitostanol ester-margarine treatment", (1994) Diabetologia 37:773-780.
AU	VANHANEN, H., "Cholesterol malabsorption caused by sitostanol ester feeding and neomycin in pravastatin-treated hypercholesterolaemic patients", (1994), Eur. J. Clin. Pharmacol., 47:169-176.
AV	DENKE, Margo A., "Lack of efficacy of low-dose sitostanol therapy as an adjunct to a cholesterol-lowering diet in men with moderate hypercholesterolemia ¹⁻³ ", (1995) Am. J. Clin. Nutr. 61:392-6.
AW	TILVIS, Reijo S., "Serum plant sterols and their relation to cholesterol absorption ^{1,2n} ", (1986), The American Journal of Clinical Nutrition, 43:92-97.
AX	MOGHADASIAN, Mohammed H., et al., "'Tall Oil'—Derived Phytosterols Reduce Atherosclerosis in ApoE-Deficient Mice", (1997), Vol. 17(1), pp. 119-126.

EXAMINER	DATE CONSIDERED

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.